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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY ANTHONY,

Defendant.

Case No. 2:20-cr-00092-RFB-BNW

**STIPULATION TO CONTINUE
TRIAL DATES**

(Fourth Request)

IT IS HEREBY STIPULATED AND AGREED by and between, Christopher Chiou, Acting United States Attorney, District of Nevada, Melanee Smith, Assistant United States Attorney, representing the United States of America, and Todd Leventhal, representing Defendant Timothy Anthony, that the calendar call currently scheduled for August 3, 2021 at 1:30 PM, and the trial currently scheduled for August 9, 2021 at 9:00 AM, be vacated and continued to a date and time convenient to the court, but no sooner than ninety (90) days.

The Stipulation is entered into for the following reasons:

1. The defendant needs additional time to review the discovery.
2. The parties need additional time to discuss a possible resolution.
3. The defendant is incarcerated and does not object to the continuance.

1 4. The parties agree to the continuance.

2 5. The additional time requested herein is not sought for purposes of delay, but
3 merely to allow counsel to review discovery and for the parties to discuss a possible
4 resolution to the case.

5 6. Additionally, denial of this request for continuance could result in a
6 miscarriage of justice. The additional time requested by this Stipulation is excludable in
7 computing the time within which the trial herein must commence pursuant to the Speedy
8 Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under
9 Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

10 DATED this 15th day of July, 2021.

11 CHRISTOPHER CHIOU
12 Acting United States Attorney

13 /s/ Melanee Smith
14 MELANEE SMITH
 Assistant United States Attorney

15
16 /s/ Todd Leventhal
17 TODD LEVENTHAL
 Counsel for Defendant Timothy Anthony

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 TIMOTHY ANTHONY,

7 Defendant.

Case No. 2:20-cr-00092-RFB-BNW

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

- 11 1. The defendant needs additional time to review the discovery.
- 12 2. The parties need additional time to discuss a possible resolution.
- 13 3. The defendant is incarcerated and does not object to the continuance.
- 14 4. The parties agree to the continuance.
- 15 5. The additional time requested herein is not sought for purposes of delay, but
- 16 merely to allow counsel to review discovery and for the parties to discuss a possible
- 17 resolution to the case.

18 **CONCLUSIONS OF LAW**

19 The ends of justice served by granting said continuance outweigh the best interest of

20 the public and the defendant in a speedy trial, since the failure to grant said continuance

21 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient

22 time and the opportunity within which to be able to effectively and thoroughly prepare for

23 trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
2 United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United
3 States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

4 **ORDER**

5 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions,
6 proposed jury instructions, and a list of the Government's prospective witnesses must
7 be electronically submitted to the Court by the 5th day of November,
8 2021, by the hour of 4:00 PM.

9 IT IS FURTHER ORDERED that the calendar call currently scheduled for April 27,
10 2021 at 1:30 PM be vacated and continued to November 9, 2021 at the hour
11 of 1:30 P.M.; and the trial currently scheduled for May 3, 2021 at the hour of 9:00
12 AM, be vacated and continued to November 15, 2021 at the hour of 9:00 A.M.

13 IT IS FURTHER ORDERED that the Master Trial Scheduling Conference set for
14 July 20, 2021 at 2:00 PM before Judge Andrew P. Gordon is Vacated.

15 DATED this 15th day of July, 2021.

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18 HON. RICHARD F. BOULWARE
19 UNITED STATES DISTRICT JUDGE
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